

Senate Bill 392

By: Senators Murphy of the 27th, Douglas of the 17th, Jackson of the 24th, Hudgens of the 47th, Harbison of the 15th and others

AS PASSED

**A BILL TO BE ENTITLED
AN ACT**

To amend Article 1 of Chapter 1 of Title 20 of the Official Code of Georgia Annotated, relating to general provisions for education, so as to require educational institutions to verify that motor common or contract carriers are properly certified prior to entering into an agreement for the transportation of students; to amend Article 1 of Chapter 7 of Title 46 of the Official Code of Georgia Annotated, relating to motor common or contract carriers under the jurisdiction of the Public Service Commission, so as to require carriers transporting passengers for hire to provide proof of certification and insurance; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 1 of Title 20 of the Official Code of Georgia Annotated, relating to general provisions for education, is amended by adding a new Code section to read as follows:

"20-1-10.

(a) As used in this Code section, the term 'educational institution' means any elementary or secondary school, any child care learning center, and any college, university, technical school or other institution of higher learning.

(b) No educational institution receiving state funds shall enter into an agreement with a motor carrier or contract carrier for the purpose of transporting students without first verifying that such carrier is certified by the Public Service Commission as required by Article 1 of Chapter 7 of Title 46, the Federal Motor Carrier Safety Administration, or any other similarly required certifying agency."

SECTION 2.

Article 1 of Chapter 7 of Title 46 of the Official Code of Georgia Annotated, relating to motor common or contract carriers, is amended by revising Code Section 46-7-3, relating to requirement for certificate, as follows:

"46-7-3.

(a) No motor common or contract carrier of passengers or household goods shall, except as otherwise provided in this article, operate without first obtaining from the commission a certificate.

(b) Before a motor common or contract carrier may enter into any contract for the transportation of passengers, the carrier shall provide to all parties to the agreement a copy of the carrier's proof of legally required minimum insurance coverage and a valid certification number demonstrating that the carrier is currently certified by the commission, the Federal Motor Carrier Safety Administration, or any other similarly required certifying agency. Any contract entered into in violation of this Code section shall be void and unenforceable."

SECTION 3.

This Act shall become effective on July 1, 2010, and shall apply to agreements entered into on or after such date.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.